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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,368	07/05/2004	Scott Thompson	53797.23	4367

22828 7590 08/25/2008
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CANADA

EXAMINER

NGUYEN, CHAUN

ART UNIT	PAPER NUMBER
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2831

MAIL DATE	DELIVERY MODE
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08/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/710,368	Applicant(s) THOMPSON ET AL.	
	Examiner Chau N. Nguyen	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuchs et al. (4,297,526) in view of Marsh (450,589) and Barton (2,987,329).

Leuchs et al. (Figure 1) discloses a single electrical conducting cable comprising a conductive core (1), a single gas impermeable sheath (2) comprising an oxidation resistant alloy (steel) and having an inner surface and an outer surface. Leuchs et al. also discloses the sheath being flexible and comprising a corrugated metal resistant to oxidation (re claim 4).

Leuchs et al. does not disclose solid one-piece terminal lugs being provided at each end of the cable, the lugs comprising an oxidation resistant alloy, and the outer surface of the sheath being hermetically sealed to each of the lugs using a heat resistant braze (re claim 1). Marsh discloses a single electrical conducting cable comprising a sheath and solid one-piece terminal lugs (Figure 3) being provided at each end of the cable (only one shown, page 2, line 60), the lugs comprising an oxidation resistant alloy (steel, page 2, line 76), and the outer surface of the sheath being hermetically sealed to each of the lugs by brazing (soldering, page 2, lines 61-64). It would have been obvious to one skilled in the art to provide the terminal lug as taught by Marsh at each end of the Leuchs et al. cable to provide connection means for the cable. Barton discloses a connection between a cable end and a lug, wherein the cable sheath is hermetically sealed to the lug using a heat resistant braze (576°F, col. 6, line 70). It would have been obvious to one skilled in the art to use the heat resistant braze as taught by Barton

to seal the outer surface sheath of Leuchs et al. to the terminal lug of Marsh such that the seal between the sheath and the lug would be maintained at the operation temperature of the cable (see Barton col. 6, line 73 to col. 7, line 3).

Re claims 2 and 3, it would have been obvious to one skilled in the art to use copper for the conductive core of Leuchs et al. since copper is well-known in the art for its highly conductivity. Re claim 5, it would have been obvious to one skilled in the art to use stainless steel for the sheath and the lug of the modified cable of Leuchs et al. since stainless steel is well-known in the art for its corrosion resistant properties.

4. Claims 6-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuchs et al. in view of Marsh.

Leuchs et al. discloses an electrical conducting cable consisting essentially of a conductive core, a single gas impermeable sheath having an inner surface and an outer surface, wherein the sheath is flexible and comprises a corrugated metal resistant to oxidation. Leuchs et al. does not disclose solid one-piece terminal lugs at each end of the cable, the outer surface of the sheath being hermetically sealed to each of the lugs. Marsh discloses a single electrical conducting cable comprising a sheath and solid one-piece terminal lugs (Figure 3) being provided at

each end of the cable, and the outer surface of the sheath being hermetically sealed to each of the lugs. It would have been obvious to one skilled in the art to provide the terminal lug as taught by Marsh at each end of the Leuchs et al. cable to provide connection means for the cable.

Re claims 7 and 8, it would have been obvious to one skilled in the art to use copper for the conductive core of Leuchs et al. since copper is well-known in the art for its highly conductivity. Re claim 10, it would have been obvious to one skilled in the art to use stainless steel for the corrugated sheath of Leuchs et al. since stainless steel is well-known in the art for its corrosion resistant properties.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutiérrez can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chau N Nguyen/
Chau N Nguyen
Primary Examiner
Art Unit 2831